

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust  
Litigation, MDL 2817*

This document relates to:

*Motor Vehicle Software Corp. v. CDK Global,  
LLC, et al., Case No. 1:18-cv-00865 (N.D. Ill.)*

No. 1:18-CV-00864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**STIPULATION REGARDING AMENDMENT OF DEFENDANT THE REYNOLDS  
AND REYNOLDS COMPANY'S AFFIRMATIVE DEFENSES**

Pursuant to Fed. R. Civ. P. 15(a)(2), it is hereby stipulated and agreed, by and among the parties, through their undersigned counsel, as follows:

1. The Reynolds and Reynolds Company's Answer and Affirmative and Additional Defenses to Plaintiff Motor Vehicle Software Corp.'s Second Amended Complaint (ECF No. 435) is hereby amended to include the following Twenty-First Affirmative Defense:

Without admitting the existence of any of the alleged conduct, Reynolds contends that it is entitled to set off or offset any amounts paid to MVSC by any Defendants or any alleged co-conspirators other than Reynolds, including CDK, that have settled MVSC's claims against them in this action. MVSC's claims are barred in whole or in part to the extent it seeks damages duplicative of the value of consideration it has received or will receive in settlement.

2. Reynolds's Amended Answer and Affirmative and Additional Defenses to MVSC's Second Amended Complaint, reflecting this Twenty-First Defense, and redlined against ECF No. 435, is attached hereto as Exhibit A.

3. MVSC and Reynolds reserve all rights under Judge Gilbert's Order dated October 27, 2020 (ECF No. 1198).

4. As a result of the foregoing, Reynolds's Motion for Leave to Amend Answer and Affirmative Defenses, Dkt. 925, is moot and Reynolds formally withdraws that motion.

Dated: February 9, 2021

STIPULATED AND AGREED:

/s/ Michael N. Nemelka

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*Counsel for Defendant  
The Reynolds and Reynolds Company*

DATED: \_\_\_\_\_, 2021

SO ORDERED:

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Honorable Robert M. Dow, Jr.  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I, Leo D. Caseria, an attorney, hereby certify that on February 9, 2021, I caused a true and correct copy of the foregoing **STIPULATION REGARDING AMENDMENT OF DEFENDANT THE REYNOLDS AND REYNOLDS COMPANY'S AFFIRMATIVE DEFENSES** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

*/s/ Leo D. Caseria* \_\_\_\_\_

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